IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

FRANK D. MCCOLLUM, III	§	
(TDCJ No. 2021347),	§	
	§	
Petitioner,	§	
	§	
V.	§	No. 3:19-cv-1074-S
	§	
LORIE DAVIS, Director	§	
Texas Department of Criminal Justice	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. An objection was filed by Petitioner Frank D. McCollum, III. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore DENIES Petitioner's motion for reconsideration under Federal Rule of Civil Procedure 60(a), (b)(1), and (b)(2) [Dkt. No. 30]; his motion for a certificate of appalability [Dkt. No. 31]; and his motion for leave to proceed *in forma pauperis* ("IFP") on appeal [Dkt. No. 32].

As to leave to proceed IFP on appeal, the Court CERTIFIES, under 28 U.S.C. § 1915(a)(3) and as fully explained in the magistrate judge's recommendation on

limitations [Dkt. No. 22], that the appeal is not taken in good faith. Petitioner may challenge this finding under *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED.

SIGNED January 3, 2020.

UNITED STATES DISTRICT JUDGE